



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
NORTHEAST REGIONAL OFFICE

205B Lowell Street, Wilmington, MA 01887 • (978) 694-3200

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Lieutenant Governor

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Secretary

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CERTIFIED MAIL

July 2, 2007

Mr. William Thibeault, President
New Ventures Associates, LLC
85-87 Boston Street
Everett, Massachusetts 02149

Re: NEWBURYPORT – Solid Waste/COR
Crow Lane Landfill
FMF # 39545
Notice of Intent
Default Notice/Standby Trust

Dear Mr. Thibeault:

New Ventures Associates, LLC ("New Ventures") has failed to conduct the following closure and corrective action activities at the Crow Lane Landfill located on Crow Lane in Newburyport, Massachusetts in accordance with one or more of the applicable plans, Orders, notices and/or approvals issued by the Massachusetts Department of Environmental Protection, Northeast Regional Office, Bureau of Waste Prevention, Solid Waste Section ("MassDEP"):

- 1) Perform the activities necessary to control and/or eliminate the release and/or threat of release of landfill gas containing hydrogen sulfide (H₂S) and leachate from the landfill including, without limitation those identified in the MassDEP's June 20, 2007 and June 21, 2007 Notices to New Ventures pursuant to paragraph (9) of the preliminary injunction entered on October 20, 2006 in Suffolk Superior Court, Civil Action No. 06-0790 C, as amended by order of the Court on November 1, 2006 and February 22, 2007 (the "Order");
- 2) Perform the activities necessary to control and/or eliminate the release of leachate from the landfill including into surface waters and wetlands in the vicinity of the landfill in accordance with the Administrative Consent Order entered into by New Ventures and the MassDEP on April 13, 2005, File No. ACOP-NE-05-4004 and one or more plans and approvals thereunder; and
- 3) Provide the information necessary to complete the Geotechnical Evaluation required by the Order, as described in the MassDEP's March 7, 2007 Notice of Deficiency to New Ventures; and
- 4) Maintain and place the required cover on the landfill.

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Accordingly, pursuant to Paragraph 6 of the October 20, 2003 Standby Trust Agreement between New Ventures and U.S. Bank National Association (the "Trustee"), the Department hereby notifies New Ventures of the Department's intention, within fourteen (14) days from the date of New Ventures' receipt of this letter, to send written notification ("Default Notice") to the Trustee of New Ventures' failure to conduct the above-described closure and corrective action activities.

Please feel free to contact me by telephone at (978) 694-3299, if you have any questions regarding this notice.

Sincerely,

**This final document copy is being provided to you electronically by the
Massachusetts Department of Environmental Protection.**

**A signed copy of this document
is on file at the DEP office listed on the letterhead.**

John A. Carrigan, Chief
Solid Waste Management Section
Bureau of Waste Prevention

JAC/MD/jac

CERTIFIED MAIL: 7007 0710 0002 6063 1794

Cc: John Morris, Director
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60 Pleasant Street
Newburyport, MA 01950
Email Address: JMorris@CityofNewburyport.com

Michael Dingle
MassDEP/OGC-Boston

Matthew Ireland
Office of the Attorney General
Boston, MA

Traci Peters
City of Newburyport
Conservation Commission
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U.S. Bank National Association
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Attention: Chi C. Ma

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City Council

This is an electronic facsimile of a document on file with the Massachusetts Department of Environmental Protection.

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Eric Fahle DEP/Boston – BWP